

# **EXHIBIT D**



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

December 28, 2017

By EMAIL

Matthew Lane Schwartz  
Boies, Schiller & Flexner LLP  
575 Lexington Avenue  
New York, NY 10022  
*Counsel for Devon Archer*

**Re: United States v. Jason Galanis, et al.,  
S1 16 Cr. 371 (RA)**

Dear Mr. Schwartz:

This letter provides supplemental discovery pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure (“Fed. R. Crim. P.”). Based on your request for discovery in this case, attached please find two zip files containing Confidential Material in the form of e-mails obtained pursuant to a search warrant (16 Mag. 8347) for email accounts belonging to Devon Archer, Bevan Cooney, and Sebastian Momtazi. These documents bear the following Bates ranges pr.review.archer\_00020820-00020944\_and pr.review.joint\_00000640-00000642 (the “Additional Reviewed Materials”).<sup>1</sup> The Additional Reviewed Materials consist of 11 emails (18 documents including attachments) in addition to those produced on November 2, 2017, which have been reviewed by the Government’s privilege team in this matter (the “Filter Team”) and which the Filter Team has designated as potentially subject to the crime-fraud exception to the attorney-client privilege.

In addition, the Filter Team has determined that 24 emails (33 documents including families) bearing the Bates ranges below, which were produced to you on November 2, 2017, and which had been initially designated as potentially subject to the crime fraud exception to the attorney-client privilege, upon further review do not appear to be privileged:

pr.review.archer\_00019792 pr.review.archer\_00019795  
pr.review.archer\_00019796 pr.review.archer\_00019799  
pr.review.archer\_00019800 pr.review.archer\_00019803

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<sup>1</sup> Documents with the Bates prefix pr.review.joint consist of emails that sent or received by both Archer (or Momtazi) and Cooney. These emails are also being provided to counsel for Cooney. Documents with the Bates prefix pr.review.archer consist of communications sent or received by Archer or Momtazi. These emails are not being provided to counsel for Cooney

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pr.review.archer_00019804	pr.review.archer_00019807
pr.review.archer_00019808	pr.review.archer_00019812
pr.review.archer_00019813	pr.review.archer_00019817
pr.review.archer_00019837	pr.review.archer_00019841
pr.review.archer_00019842	pr.review.archer_00019842
pr.review.archer_00020038	pr.review.archer_00020038
pr.review.archer_00020039	pr.review.archer_00020039
pr.review.archer_00020040	pr.review.archer_00020040
pr.review.archer_00020041	pr.review.archer_00020041
pr.review.archer_00020042	pr.review.archer_00020106
pr.review.archer_00020107	pr.review.archer_00020108
pr.review.archer_00020241	pr.review.archer_00020241
pr.review.archer_00020242	pr.review.archer_00020242
pr.review.archer_00020243	pr.review.archer_00020243
pr.review.archer_00020244	pr.review.archer_00020244
pr.review.archer_00020248	pr.review.archer_00020248
pr.review.archer_00020249	pr.review.archer_00020283
pr.review.archer_00020284	pr.review.archer_00020285
pr.review.archer_00020517	pr.review.archer_00020517
pr.review.archer_00020664	pr.review.archer_00020664
pr.review.archer_00020665	pr.review.archer_00020668
pr.review.archer_00020669	pr.review.archer_00020669
pr.review.archer_00020670	pr.review.archer_00020733
pr.review.archer_00020734	pr.review.archer_00020738
pr.review.archer_00020760	pr.review.archer_00020761
pr.review.archer_00020762	pr.review.archer_00020763
pr.review.archer_00020764	pr.review.archer_00020765
pr.review.archer_00020766	pr.review.archer_00020768
pr.review.archer_00020769	pr.review.archer_00020771
pr.review.archer_00020775	pr.review.archer_00020775

Please let me know if you believe that any of the above documents are potentially privileged and for each such document, please provide a privilege log setting forth the nature of the privilege, including the attorney, the client (if an entity, please provide your client's relationship to the entity as well as the relationship of any other individuals included on the communication to the entity) and any other information sufficient to evaluate the existence of the privilege

Finally, the Government has not yet received a privilege log for the documents that the Government produced to you on November 2, 2017.<sup>2</sup> As agreed at the pretrial conference on October 26, 2017, these documents were not to be released to the investigative team until you have had an opportunity to review them. Since you have had ample time to review the

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<sup>2</sup> Paula Notari, Esq., counsel for Bevan Cooney, produced a privilege log to the Government on December 13, 2017. She is not asserting the attorney-client privilege on behalf of her client over any of the documents bearing Bates range pr.review.joint 00000001-00000530.

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documents, please produce a privilege log for the documents on or before January 8, 2017, or the documents will be presumed to be not privileged and released to the investigative team.

Very truly yours,

JOON H. KIM  
Acting United States Attorney

By: /s/ Lisa P. Korologos  
Lisa P. Korologos  
Assistant United States Attorney  
Tel: (212) 637-2406

cc: Silvia Serpe, Esq. (via email, w/o attachments)  
*Counsel for Sebastian Momtazi*